

1 *~~4829/P1.40~~* ~~*0122/2.3~~* SECTION 40. 51.10 (8) of the statutes is amended to
2 read:

3 51.10 (8) An adult for whom, because of incompetency, a guardian of the person
4 has been appointed under ch. 880 ~~because of the subject's incompetency~~ may be
5 voluntarily admitted to an inpatient treatment facility ~~under this section only~~ if the
6 guardian consents after the requirements of sub. (4m) (a) 1. are satisfied or if the
7 guardian and the ward consent to such the admission under this section.

NOTE: Provides that the guardian of an incompetent adult may provide consent to the voluntary admission of the ward to an inpatient treatment facility, in cases where the ward does not indicate a desire to leave the facility, if the procedures for voluntary admission in ch. 51 are followed.

8 *~~4830/P1.56~~* SECTION 56. 51.10 (8) of the statutes is amended to read:
9 51.10 (8) An adult for whom a guardian of the person has been appointed ~~under~~
10 ~~ch. 880 in this state~~ because of the subject's incompetency may be voluntarily
11 admitted to an inpatient treatment facility under this section only if the guardian
12 and the ward consent to such admission.

13 *~~4829/P1.41~~* SECTION 41. 51.15 (1) (a) 4. of the statutes is amended to read:
14 51.15 (1) (a) 4. Behavior manifested by a recent act or omission that, due to
15 mental illness or drug dependency, he or she is unable to satisfy basic needs for
16 nourishment, medical care, shelter, or safety without prompt and adequate
17 treatment so that a substantial probability exists that death, serious physical injury,
18 serious physical debilitation, or serious physical disease will imminently ensue
19 unless the individual receives prompt and adequate treatment for this mental illness
20 or drug dependency. No substantial probability of harm under this subdivision exists
21 if reasonable provision for the individual's treatment and protection is available in
22 the community and there is a reasonable probability that the individual will avail
23 himself or herself of these services, if the individual ~~can receive protective placement~~

1 ~~under s. 55.06 may be provided protective placement or protective services under ch.~~
2 ~~55, or, in the case of a minor, if the individual is appropriate for services or placement~~
3 ~~under s. 48.13 (4) or (11) or 938.13 (4). The individual's status as a minor does not~~
4 ~~automatically establish a substantial probability of death, serious physical injury,~~
5 ~~serious physical debilitation or serious disease under this subdivision. Food, shelter~~
6 ~~or other care provided to an individual who is substantially incapable of providing~~
7 ~~the care for himself or herself, by any person other than a treatment facility, does not~~
8 ~~constitute reasonable provision for the individual's treatment or protection available~~
9 ~~in the community under this subdivision.~~

10 *~~4829/P1.42~~ SECTION 42. 51.15 (5) of the statutes is amended to read:

11 51.15 (5) DETENTION PROCEDURE; OTHER COUNTIES. In counties having a
12 population of less than 500,000, the law enforcement officer or other person
13 authorized to take a child into custody under ch. 48 or to take a juvenile into custody
14 under ch. 938 shall sign a statement of emergency detention that shall provide
15 detailed specific information concerning the recent overt act, attempt, or threat to
16 act or omission on which the belief under sub. (1) is based and the names of persons
17 observing or reporting the recent overt act, attempt, or threat to act or omission. The
18 law enforcement officer or other person is not required to designate in the statement
19 whether the subject individual is mentally ill, developmentally disabled, or drug
20 dependent, but shall allege that he or she has cause to believe that the individual
21 evidences one or more of these conditions. The statement of emergency detention
22 shall be filed by the officer or other person with the detention facility at the time of
23 admission, and with the court immediately thereafter. The filing of the statement
24 has the same effect as a petition for commitment under s. 51.20. When, upon the
25 advice of the treatment staff, the director of a facility specified in sub. (2) determines

1 that the grounds for detention no longer exist, he or she shall discharge the
2 individual detained under this section. Unless a hearing is held under s. 51.20 (7)
3 or ~~55.06 (11) (b) 55.135~~, the subject individual may not be detained by the law
4 enforcement officer or other person and the facility for more than a total of 72 hours,
5 exclusive of Saturdays, Sundays, and legal holidays.

6 *~~4829/P1.43~~* SECTION 43. 51.20 (1) (a) 2. c. of the statutes is amended to read:

7 51.20 (1) (a) 2. c. Evidences such impaired judgment, manifested by evidence
8 of a pattern of recent acts or omissions, that there is a substantial probability of
9 physical impairment or injury to himself or herself. The probability of physical
10 impairment or injury is not substantial under this subd. 2. c. if reasonable provision
11 for the subject individual's protection is available in the community and there is a
12 reasonable probability that the individual will avail himself or herself of these
13 services, if the individual is appropriate for protective placement under s. ~~55.06~~ may
14 be provided protective placement or protective services under ch. 55, or, in the case
15 of a minor, if the individual is appropriate for services or placement under s. 48.13
16 (4) or (11) or 938.13 (4). The subject individual's status as a minor does not
17 automatically establish a substantial probability of physical impairment or injury
18 under this subd. 2. c. Food, shelter or other care provided to an individual who is
19 substantially incapable of obtaining the care for himself or herself, by a person other
20 than a treatment facility, does not constitute reasonable provision for the subject
21 individual's protection available in the community under this subd. 2. c.

22 *~~4829/P1.44~~* SECTION 44. 51.20 (1) (a) 2. d. of the statutes is amended to read:

23 51.20 (1) (a) 2. d. Evidences behavior manifested by recent acts or omissions
24 that, due to mental illness, he or she is unable to satisfy basic needs for nourishment,
25 medical care, shelter or safety without prompt and adequate treatment so that a

1 substantial probability exists that death, serious physical injury, serious physical
2 debilitation, or serious physical disease will imminently ensue unless the individual
3 receives prompt and adequate treatment for this mental illness. No substantial
4 probability of harm under this subd. 2. d. exists if reasonable provision for the
5 individual's treatment and protection is available in the community and there is a
6 reasonable probability that the individual will avail himself or herself of these
7 services, if the individual is appropriate for protective placement under s. 55.06 may
8 be provided protective placement or protective services under ch. 55, or, in the case
9 of a minor, if the individual is appropriate for services or placement under s. 48.13
10 (4) or (11) or 938.13 (4). The individual's status as a minor does not automatically
11 establish a substantial probability of death, serious physical injury, serious physical
12 debilitation or serious disease under this subd. 2. d. Food, shelter or other care
13 provided to an individual who is substantially incapable of obtaining the care for
14 himself or herself, by any person other than a treatment facility, does not constitute
15 reasonable provision for the individual's treatment or protection available in the
16 community under this subd. 2. d.

17 ***-4829/P1.45*** SECTION 45. 51.20 (1) (a) 2. e. of the statutes is amended to read:

18 51.20 (1) (a) 2. e. For an individual, other than an individual who is alleged to
19 be drug dependent or developmentally disabled, after the advantages and
20 disadvantages of and alternatives to accepting a particular medication or treatment
21 have been explained to him or her and because of mental illness, evidences either
22 incapability of expressing an understanding of the advantages and disadvantages of
23 accepting medication or treatment and the alternatives, or substantial incapability
24 of applying an understanding of the advantages, disadvantages, and alternatives to
25 his or her mental illness in order to make an informed choice as to whether to accept

1 or refuse medication or treatment; and evidences a substantial probability, as
2 demonstrated by both the individual's treatment history and his or her recent acts
3 or omissions, that the individual needs care or treatment to prevent further
4 disability or deterioration and a substantial probability that he or she will, if left
5 untreated, lack services necessary for his or her health or safety and suffer severe
6 mental, emotional, or physical harm that will result in the loss of the individual's
7 ability to function independently in the community or the loss of cognitive or
8 volitional control over his or her thoughts or actions. The probability of suffering
9 severe mental, emotional, or physical harm is not substantial under this subd. 2. e.
10 if reasonable provision for the individual's care or treatment is available in the
11 community and there is a reasonable probability that the individual will avail
12 himself or herself of these services or if the individual is appropriate for protective
13 placement under s. 55.06 may be provided protective placement or protective
14 services under ch. 55. Food, shelter, or other care that is provided to an individual
15 who is substantially incapable of obtaining food, shelter, or other care for himself or
16 herself by any person other than a treatment facility does not constitute reasonable
17 provision for the individual's care or treatment in the community under this subd.
18 2. e. The individual's status as a minor does not automatically establish a substantial
19 probability of suffering severe mental, emotional, or physical harm under this subd.
20 2. e.

21 ***-4829/P1.46* SECTION 46.** 51.20 (1) (am) of the statutes is amended to read:
22 51.20 (1) (am) If the individual has been the subject of inpatient treatment for
23 mental illness, developmental disability, or drug dependency immediately prior to
24 commencement of the proceedings as a result of a voluntary admission or, a
25 commitment or protective placement ordered by a court under this section or s. 55.06,

1 2003 stats., or s. 971.17, or ch. 975, or a protective placement or protective services
2 ordered under s. 55.12, or if the individual has been the subject of outpatient
3 treatment for mental illness, developmental disability, or drug dependency
4 immediately prior to commencement of the proceedings as a result of a commitment
5 ordered by a court under this section ~~or, s. 971.17, or ch. 975,~~ the requirements of a
6 recent overt act, attempt or threat to act under par. (a) 2. a. or b., ~~a~~ pattern of recent
7 acts or omissions under par. (a) 2. c. or e., or recent behavior under par. (a) 2. d. may
8 be satisfied by a showing that there is a substantial likelihood, based on the subject
9 individual's treatment record, that the individual would be a proper subject for
10 commitment if treatment were withdrawn. If the individual has been admitted
11 voluntarily to an inpatient treatment facility for not more than 30 days prior to the
12 commencement of the proceedings and remains under voluntary admission at the
13 time of commencement, the requirements of a specific recent overt act, attempt or
14 threat to act, or pattern of recent acts or omissions may be satisfied by a showing of
15 an act, attempt or threat to act, or ~~a~~ pattern of acts or omissions which took place
16 immediately previous to the voluntary admission. If the individual is committed
17 under s. 971.14 (2) or (5) at the time proceedings are commenced, or has been
18 discharged from the commitment immediately prior to the commencement of
19 proceedings, acts, attempts, threats, omissions, or behavior of the subject individual
20 during or subsequent to the time of the offense shall be deemed recent for purposes
21 of par. (a) 2.

22 ***-4829/P1.47* SECTION 47.** 51.20 (1m) of the statutes is amended to read:

23 51.20 (1m) ALTERNATE GROUNDS FOR COMMITMENT. For purposes of subs. (2) to
24 (9), the requirement of finding probable cause to believe the allegations in sub. (1)
25 (a) or (am) may be satisfied by finding probable cause to believe that the individual

1 satisfies sub. (1) (a) 1. and evidences such impaired judgment, manifested by
2 evidence of a recent act or omission, that there is a substantial probability of physical
3 impairment or injury to himself or herself. The probability of physical impairment
4 or injury may not be deemed substantial under this subsection if reasonable
5 provision for the individual's protection is available in the community and there is
6 a reasonable probability that the individual will avail himself or herself of the
7 services or if the individual is ~~appropriate for protective placement under s. 55.06~~
8 may be provided protective placement or protective services under ch. 55. The
9 individual's status as a minor does not automatically establish a substantial
10 probability of physical impairment or injury under this subsection. Food, shelter or
11 other care provided to an individual who is substantially incapable of obtaining the
12 care for himself or herself, by any person other than a treatment facility, does not
13 constitute reasonable provision for the individual's protection available in the
14 community under this subsection.

NOTE: SECTIONS 41 and 43 to 47 amend various standards in current law relating
to emergency detention and involuntary commitment for treatment, by providing that a
showing of a substantial probability of harm to the person does not exist if the person may
be provided protective placement or protective services under ch. 55.

15 ***-4830/P1.57* SECTION 57.** 51.20 (7) (d) 1. (intro.) of the statutes is
16 renumbered 51.20 (7) (d) 1. and amended to read:

17 51.20 (7) (d) 1. If the court determines after hearing that there is probable cause
18 to believe that the subject individual is a fit subject for guardianship and protective
19 placement or services, the court may, without further notice, appoint a temporary
20 guardian for the subject individual and order temporary protective placement or
21 services under ch. 55 for a period not to exceed 30 days, and shall proceed as if
22 petition had been made for guardianship and protective placement or services. If the
23 court orders only temporary protective services for a subject individual under this

paragraph, the individual shall be provided care only on an outpatient basis. The court may order involuntary administration of psychotropic medication as a temporary protective service under this paragraph if it finds that there is probable cause to believe that the allegations under s. 880.07 (1m) (c) and (cm) apply, that the individual is not competent to refuse psychotropic medication and that the medication ordered will have therapeutic value and will not unreasonably impair the ability of the individual to prepare for and participate in subsequent legal proceedings. An individual is not competent to refuse psychotropic medication if, because of chronic mental illness, and after the advantages and disadvantages of and alternatives to accepting the particular psychotropic medication have been explained to the individual, one of the following is true: only under the requirements of s. 55.14.

, as affected by 2005 Wisconsin Acts 264 and (Senate Bill 391),

-4829/P1.48 SECTION 48. 51.20 (7) (d) 1. ~~Intro~~ of the statutes is amended to read: *repealed and recreated*

51.20 (7) (d) 1. ~~Intro~~ If the court determines after hearing that there is probable cause to believe that the subject individual is a fit subject for guardianship and protective placement or services, the court may, without further notice, appoint a temporary guardian for the subject individual and order temporary protective placement or services under ch. 55 for a period not to exceed 30 days, and shall proceed as if petition had been made for guardianship and protective placement or services. If the court orders only temporary protective services for a subject individual under this paragraph, the individual shall be provided care only on an outpatient basis. The court may order psychotropic medication as a temporary protective service under this paragraph if it finds that there is probable cause to believe that the allegations under s. ~~880.07 (1m) (c) and (cm)~~ 55.14 (3) (e) apply, that

1 the individual is not competent to refuse psychotropic medication and that the
2 medication ordered will have therapeutic value and will not unreasonably impair the
3 ability of the individual to prepare for and participate in subsequent legal
4 proceedings. An individual is not competent to refuse psychotropic medication if,
5 because of ~~chronic~~ serious and persistent mental illness, and after the advantages
6 and disadvantages of and alternatives to accepting the particular psychotropic
7 medication have been explained to the individual, one of the following is true:

8 ~~*-4830/P1.58* SECTION 58. 51.20 (7) (d) 1. a. of the statutes is repealed.~~

9 ~~*-4830/P1.59* SECTION 59. 51.20 (7) (d) 1. b. of the statutes is repealed.~~

10 ~~*-4829/P1.49* SECTION 49. 51.20 (7) (d) 1. b. of the statutes is amended to read:~~

11 ~~51.20 (7) (d) 1. b.~~ (A) b. The individual is substantially incapable of applying an
12 understanding of the advantages, disadvantages and alternatives to his or her
13 ~~chronic~~ serious and persistent mental illness in order to make an informed choice as
14 to whether to accept or refuse psychotropic medication.

15 ~~*-4830/P1.60* SECTION 60. 51.22 (4) of the statutes is amended to read:~~

16 ~~51.22 (4) If a patient is placed in a facility authorized by a county department~~
17 ~~under s. 51.42 or 51.437 and such the placement is outside the jurisdiction of that~~
18 ~~county department under s. 51.42 or 51.437, the placement does not transfer the~~
19 ~~patient's legal residence to the county of the facility's location while such patient is~~
20 ~~under commitment or placement.~~

21 ~~*-4830/P1.61* SECTION 61. 51.30 (4) (b) 8m. of the statutes is amended to read:~~

22 ~~51.30 (4) (b) 8m. To appropriate examiners and facilities in accordance with s.~~
23 ~~54.36 (3), 971.17 (2) (e), (4) (c) and (7) (c), 980.03 (4) or 980.08 (3). The recipient of~~
24 ~~any information from the records shall keep the information confidential except as~~
25 ~~necessary to comply with s. 971.17 or ch. 980.~~

1 *~~4828/P1.88~~* **SECTION 88.** 51.30 (4) (b) 17. of the statutes is amended to read:

2 51.30 (4) (b) 17. To the ~~county elder-adult-at-risk~~ agency designated under
3 s. 46.90 (2) or other investigating agency under s. 46.90 for the purposes of s. 46.90
4 (4) (a) and (5), to the county department, as defined in s. 48.02 (2g), or the sheriff or
5 police department for the purposes of s. 48.981 (2) and (3), or to the ~~county protective~~
6 ~~services~~ adult-at-risk agency designated under s. 55.02 for purposes of s. 55.043.
7 The treatment record holder may release treatment record information by initiating
8 contact with the ~~county protective services~~ elder-adult-at-risk agency,
9 adult-at-risk agency, or county department, as defined in s. 48.02 (2g), without first
10 receiving a request for release of the treatment record from the ~~county protective~~
11 ~~services~~ elder-adult-at-risk agency, adult-at-risk agency, or county department.

12 *~~4830/P1.62~~* **SECTION 62.** 51.30 (4) (b) 18. a. of the statutes is amended to
13 read:

14 51.30 (4) (b) 18. a. In this subdivision, “abuse” has the meaning given in s. 51.62
15 (1) (ag); “neglect” has the meaning given in s. 51.62 (1) (br); and “parent” has the
16 meaning given in s. 48.02 (13), except that “parent” does not include the parent of a
17 minor whose custody is transferred to a legal custodian, as defined in s. 48.02 (11),
18 or for whom a guardian is appointed under s. 54.10 or s. 880.33, 2003 stats.

19 *~~4830/P1.63~~* **SECTION 63.** 51.30 (4) (b) 18. c. of the statutes is amended to
20 read:

21 51.30 (4) (b) 18. c. If the patient, regardless of age, has a guardian appointed
22 under s. 54.10 or s. 880.33, 2003 stats., or if the patient is a minor with developmental
23 disability who has a parent or has a guardian appointed under s. 48.831 and does not
24 have a guardian appointed under s. 54.10 or s. 880.33, 2003 stats., information
25 concerning the patient that is obtainable by staff members of the agency or nonprofit

1 corporation with which the agency has contracted is limited, except as provided in
2 subd. 18. e., to the nature of an alleged rights violation, if any; the name, birth date
3 and county of residence of the patient; information regarding whether the patient
4 was voluntarily admitted, involuntarily committed or protectively placed and the
5 date and place of admission, placement or commitment, and the name, address and
6 telephone number of the guardian of the patient and the date and place of the
7 guardian's appointment or, if the patient is a minor with developmental disability
8 who has a parent or has a guardian appointed under s. 48.831 and does not have a
9 guardian appointed under s. 54.10 or s. 880.33, 2003 stats., the name, address and
10 telephone number of the parent or guardian appointed under s. 48.831 of the patient.

11 ***-4830/P1.64* SECTION 64.** 51.30 (4) (b) 20. (intro.) of the statutes is amended
12 to read:

13 51.30 (4) (b) 20. (intro.) Except with respect to the treatment records of a
14 subject individual who is receiving or has received services for alcoholism or drug
15 dependence, to the spouse, parent, adult child or sibling of a subject individual, if the
16 spouse, parent, adult child or sibling is directly involved in providing care to or
17 monitoring the treatment of the subject individual and if the involvement is verified
18 by the subject individual's physician, psychologist or by a person other than the
19 spouse, parent, adult child or sibling who is responsible for providing treatment to
20 the subject individual, in order to assist in the provision of care or monitoring of
21 treatment. Except in an emergency as determined by the person verifying the
22 involvement of the spouse, parent, adult child or sibling, the request for treatment
23 records under this subdivision shall be in writing, by the requester. Unless the
24 subject individual has been adjudged adjudicated incompetent under ch. 880 in this
25 state, the person verifying the involvement of the spouse, parent, adult child or

1 sibling shall notify the subject individual about the release of his or her treatment
2 records under this subdivision. Treatment records released under this subdivision
3 are limited to the following:

4 ***-4830/P1.65* SECTION 65.** 51.30 (4) (dm) 2. of the statutes is amended to read:

5 51.30 (4) (dm) 2. Conceal or withhold a treatment record with intent to prevent
6 its release to the subject individual under par. (d), to his or her guardian appointed
7 under ch. 880, or to persons with the informed written consent of the subject
8 individual or with intent to prevent or obstruct an investigation or prosecution.

9 ***-4830/P1.66* SECTION 66.** 51.30 (4) (f) of the statutes is amended to read:

10 51.30 (4) (f) *Correction of information.* A subject individual, or the parent,
11 guardian, or person in the place of a parent of a minor, or the guardian of an
12 individual adjudicated incompetent may, after having gained access to treatment
13 records, challenge the accuracy, completeness, timeliness, or relevance of factual
14 information in his or her treatment records and request in writing that the facility
15 maintaining the record correct the challenged information. ~~Such~~ The request shall
16 be granted or denied within 30 days by the director of the treatment facility, the
17 director of the county department under s. 51.42 or 51.437, or the secretary
18 depending upon which person has custody of the record. Reasons for denial of the
19 requested changes shall be given by the responsible officer and the individual shall
20 be informed of any applicable grievance procedure or court review procedure. If the
21 request is denied, the individual, parent, guardian, or person in the place of a parent
22 shall be allowed to insert into the record a statement correcting or amending the
23 information at issue. The statement shall become a part of the record and shall be
24 released whenever the information at issue is released.

25 ***-4830/P1.67* SECTION 67.** 51.30 (5) (a) of the statutes is amended to read:

1 ~~51.30 (5) (a) *Consent for release of information.* The parent, guardian, or person~~
2 ~~in the place of a parent of a minor or the guardian of an adult ~~adjudged~~ adjudicated~~
3 ~~incompetent under ch. 880 in this state~~ may consent to the release of confidential
4 ~~information in court or treatment records. A minor who is aged 14 or more may~~
5 ~~consent to the release of confidential information in court or treatment records~~
6 ~~without the consent of the minor's parent, guardian or person in the place of a parent.~~
7 ~~Consent under this paragraph must conform to the requirements of sub. (2).~~

8 ~~*-4830/P1.68* SECTION 68. 51.30 (5) (b) 1. of the statutes is amended to read:~~

9 ~~51.30 (5) (b) 1. The guardian of an individual who is ~~adjudged~~ adjudicated~~
10 ~~incompetent under ch. 880 in this state~~ shall have access to the individual's court and
11 ~~treatment records at all times. The parent, guardian or person in the place of a~~
12 ~~parent of a developmentally disabled minor shall have access to the minor's court and~~
13 ~~treatment records at all times except in the case of a minor aged 14 or older who files~~
14 ~~a written objection to such access with the custodian of the records. The parent,~~
15 ~~guardian or person in the place of a parent of other minors shall have the same rights~~
16 ~~of access as provided to subject individuals under this section.~~

17 ~~*-4830/P1.69* SECTION 69. 51.30 (5) (e) of the statutes is amended to read:~~

18 ~~51.30 (5) (e) *Temporary guardian for adult alleged to be incompetent.* If an~~
19 ~~adult is ~~believed~~ alleged to be incompetent, under the requirements of s. 54.10 (3),~~
20 ~~to consent to the release of records under this section, but no guardian has been~~
21 ~~appointed for such the individual, consent for the release of records may be given by~~
22 ~~a temporary guardian who is appointed for the purpose of deciding upon the release~~
23 ~~of records.~~

24 ~~*-4829/P1.50* SECTION 50. 51.35 (4m) (intro.) of the statutes is amended to~~
25 ~~read:~~

1 51.35 (4m) TRANSFER OR DISCHARGE OF PERSONS WITH CHRONIC SERIOUS AND
2 PERSISTENT MENTAL ILLNESS. (intro.) The department or county department under s.
3 51.42 or any person authorized to discharge or transfer patients under this section
4 shall, prior to the discharge of a patient with chronic serious and persistent mental
5 illness from an inpatient facility, or prior to the transfer of a patient with chronic
6 serious and persistent mental illness from inpatient to outpatient status, with the
7 patient's permission if the patient is a voluntary patient, do all of the following:

NOTE: SECTIONS 48 to 50 revise the term "chronic mental illness" to "serious and persistent mental illness".

8 ***-4830/P1.70* SECTION 70.** 51.35 (7) of the statutes is amended to read:

9 51.35 (7) GUARDIANSHIP AND PROTECTIVE SERVICES. Prior to discharge from any
10 state treatment facility, the department shall review the possible need of a
11 developmentally disabled individual, aged infirm individual, or ~~person~~ individual
12 with other like incapacities for protective services or protective placement under ch.
13 55 after discharge, including the necessity for appointment of a guardian ~~or limited~~
14 guardian. The department shall petition for ~~limited or full~~ guardianship, or for
15 protective services or protective placement for the person if needed. When the
16 department makes a petition for guardianship under this subsection, it shall not be
17 appointed as guardian.

18 ***-4829/P1.51* SECTION 51.** 51.39 of the statutes is amended to read:

19 **51.39 Resident patients on unauthorized absence.** If any patient who is
20 admitted, transferred, or placed under s. 55.06, 2003 stats., or s. 51.13, 51.15, 51.20,
21 51.35 (3), 51.37, or 51.45 (11) (b), (12) or (13) or 55.06 or ch. 55, 971, 975, or 980 or
22 ~~transferred under s. 51.35 (3) or 51.37~~ is on unauthorized absence from a treatment
23 facility, the sheriff or any other law enforcement agency in the county in which the

1 patient is found or in which it is believed the patient may be present, upon the
2 request of the director, shall take charge of and return the patient to the facility. The
3 costs incident to the return shall be paid out of the facility's operating funds and be
4 charged back to the patient's county of residence.

NOTE: Changes various cross-references regarding protective placement and
transfer of a person who is protectively placed.

5 ***-4830/P1.71* SECTION 71.** 51.40 (title) of the statutes is amended to read:

6 **51.40 (title) ~~Residence of developmentally disabled or chronically~~**
7 **~~mentally ill~~ Determination of residence for certain adults; county of**
8 **responsibility.**

9 ***-4830/P1.72* SECTION 72.** 51.40 (1) (e) of the statutes is amended to read:

10 51.40 (1) (e) "County of responsibility" means the county responsible for
11 funding the provision of care, treatment, or services under this chapter or ch. 46 or
12 55 to an individual.

13 ***-4830/P1.73* SECTION 73.** 51.40 (1) (em) of the statutes is created to read:

14 51.40 (1) (em) "Facility" means a place, other than a hospital, that is licensed,
15 registered, certified, or approved by the department or a county under ch. 50 or 51.

16 ***-4830/P1.74* SECTION 74.** 51.40 (1) (f) of the statutes is amended to read:

17 51.40 (1) (f) "Guardian" means a guardian of the person appointed by a court
18 under ch. 54 or ch. 880, 2003 stats.

19 ***-4830/P1.75* SECTION 75.** 51.40 (1) (g) 1. of the statutes is amended to read:

20 51.40 (1) (g) 1. The status of an individual who has ~~had~~ a guardian ~~appointed~~
21 ~~under ch. 880, unless the court made a specific finding under s. 880.33 (3) that the~~
22 ~~individual is competent to make an informed choice of a place to live.~~

23 ***-4830/P1.76* SECTION 76.** 51.40 (1) (h) of the statutes is repealed.

1 ~~*-4830/P1.77* SECTION 77. 51.40 (1) (hm) of the statutes is created to read:~~

2 ~~51.40 (1) (hm) "Other like incapacities" has the meaning given in s. 55.01 (5).~~

3 ~~*-4830/P1.78* SECTION 78. 51.40 (1) (m) of the statutes is created to read:~~

4 ~~51.40 (1) (m) "Voluntary" has the meaning given in s. 49.001 (8).~~

5 ~~*-4829/P1.52* SECTION 52. 51.40 (2) (intro.) of the statutes is amended to read:~~

6 ~~51.40 (2) DETERMINATION OF RESIDENCE. (intro.) For purposes of determining~~
7 ~~responsibility for funding the provision of services under chs. 46, 51 and 55, the~~
8 ~~county of residence of individuals aged 18 or older with developmental disability or~~
9 ~~chronic serious and persistent mental illness in state facilities or nursing homes~~
10 ~~shall be determined as follows:~~

NOTE: Revises the term "chronic mental illness" to "serious and persistent mental illness".

11 ~~*-4830/P1.79* SECTION 79. 51.40 (2) (intro.) of the statutes is amended to read:~~

12 ~~51.40 (2) DETERMINATION OF COUNTY OF RESIDENCE. (intro.) For purposes of~~
13 ~~determining responsibility for funding the provision of services under chs. 46, 51 and~~
14 ~~55, the The county of residence of individuals an individual aged 18 or older with~~
15 ~~developmental disability or chronic serious and persistent mental illness in state~~
16 ~~facilities or nursing homes, degenerative brain disorder, or other like incapacity who~~
17 ~~is residing in a facility is the county of responsibility for the individual. The county~~
18 ~~of residence shall be determined as follows:~~

19 ~~*-4829/P1.53* SECTION 53. 51.40 (2) (a) 1. of the statutes is amended to read:~~

20 ~~51.40 (2) (a) 1. 'Commitment or protection protective placement.' If an~~
21 ~~individual is under a court order of commitment under this chapter or protective~~
22 ~~placement under s. 55.06, 2003 stats., or s. 55.12, the individual remains a resident~~
23 ~~of the county in which he or she has residence at the time the commitment or~~

1 protective placement is made. If the court makes no specific finding of a county of
2 residence, the individual is a resident of the county in which the court is located.

NOTE: Changes a cross-reference to the procedure for protective placement, the provisions of which are renumbered in this bill.

3 ***-4830/P1.80* SECTION 80.** 51.40 (2) (a) 1. of the statutes is amended to read:

4 51.40 (2) (a) 1. 'Commitment or ~~protection~~ protective placement or protective
5 services.' If an individual is under a court order of commitment under this chapter
6 or protective placement or protective services under s. 55.06, the individual remains
7 a resident of the county in which he or she has residence at the time the initial
8 commitment or initial order for protective placement or protective services is made.
9 If the court makes no specific finding of a county of residence, the individual is a
10 resident of the county in which the court is located. After notice, including notice to
11 the corporation counsel of each affected county by certified mail, after opportunity
12 to be heard has been provided to all affected counties and parties, and if there is no
13 objection, the court may make a specific finding of a county of residence. If any
14 affected county or party objects to the court's proposed finding, the county or party
15 may request the department to make a determination under par. (g). Any transfer
16 of venue may be suspended until the department's determination is final.

17 ***-4829/P1.54* SECTION 54.** 51.40 (2) (a) 2. of the statutes is amended to read:

18 51.40 (2) (a) 2. 'Placement by a county.' Except for the provision of emergency
19 services under s. 51.15, 51.42 (1) (b), 51.437 (4) (c), or 51.45 (11) and (12), emergency
20 protective services under s. 55.13, or 55.06 (11) emergency protective placement
21 under s. 55.135, if a county department or an agency of a county department
22 arranges or makes placement of the individual into a state facility or nursing home,
23 the individual is a resident of the county of that county department. Any agency of

1 the county department is deemed to be acting on behalf of the county department in
2 arranging or making placement.

NOTE: Changes a cross-reference to emergency protective placement, the provisions of which are renumbered in this bill.

3 ***-4830/P1.81* SECTION 81.** 51.40 (2) (a) 2. of the statutes is amended to read:

4 51.40 (2) (a) 2. 'Placement by a county.' Except for the provision of emergency
5 services under s. 51.15, 51.42 (1) (b), 51.437 (4) (c), 51.45 (11) and (12) or 55.06 (11),
6 if a county department or an agency of a county department arranges places or
7 makes arrangements for placement of the individual into a state facility or nursing
8 home, the individual is a resident of the county of that county department. Any
9 agency of the county department is deemed to be acting on behalf of the county
10 department in arranging placing or making arrangements for placement.
11 Placement of an individual by a county department or an agency of a county
12 department in a facility outside the jurisdiction of the county department or agency
13 does not transfer the individual's legal residence to the county in which the facility
14 is located. If a resident of a county is physically present in another county and is in
15 need of immediate care, the county in which the individual is present may provide
16 for his or her immediate needs under s. 51.15, 51.20, 51.42 (1) (b), 51.437 (4) (c), or
17 51.45 (11) or (12), or ch. 54 or 55, without becoming the individual's county of
18 residence.

19 ***-4830/P1.82* SECTION 82.** 51.40 (2) (b) (intro.) of the statutes is amended to
20 read:

21 51.40 (2) (b) *Other admissions.* (intro.) If par. (a) does not apply, one of the
22 following shall apply the county of residence shall be determined as follows:

23 ***-4830/P1.83* SECTION 83.** 51.40 (2) (b) 1. of the statutes is amended to read:

1 51.40 (2) (b) 1. 'Individuals in state facilities.' An individual who is in a state
2 facility is a resident of the county in which he or she was a resident at the time the
3 admission to the state facility was made. This subdivision may not be applied to
4 change residence from a county, other than the county in which the facility is located,
5 ~~which that~~ has accepted responsibility for or provided services to the individual ~~prior~~
6 ~~to August 1, 1987 before the effective date of this subdivision [revisor inserts date].~~

7 *~~-4830/P1.84~~* SECTION 84. 51.40 (2) (b) 2. (intro.) of the statutes is amended
8 to read:

9 51.40 (2) (b) 2. 'Individuals in nursing homes.' (intro.) The following are
10 presumptions regarding the county of residence of an individual in a nursing home
11 that may be overcome by substantial evidence that clearly establishes other county
12 residence:

13 ag. An individual in a nursing home who was admitted under s. 50.04 (2r) to
14 the nursing home on or after August 1, 1987 the effective date of this subd. 2. ag.
15 [revisor inserts date], is a resident of the county which that approved the admission
16 under s. 50.04 (2r).

17 bg. An individual residing in a nursing home on August 1, 1987 the effective
18 date of this subd. 2. bg. [revisor inserts date], is presumed to be a resident of the
19 county in which the individual is physically present unless another county accepts
20 the individual as a resident. The presumption of residence may be overcome by
21 substantial evidence which clearly establishes residence in another county in one of
22 the following ways:

23 *~~-4830/P1.85~~* SECTION 85. 51.40 (2) (b) 2. a. of the statutes is renumbered
24 51.40 (2) (b) 2. cg. and amended to read:

1 51.40 (2) (b) 2. cg. ~~The~~ If the individual had an established residence in another
2 county prior to entering the nursing home; the individual or the individual's
3 guardian, if any, indicates an intent that the individual will return to that county
4 when the purpose of entering the nursing home has been accomplished or when
5 needed care and services can be obtained in ~~the other~~ that county; and the individual,
6 when capable of indicating intent, or a guardian for the individual, has made no
7 clearly documented expression to a court or county department of an intent to
8 establish residence elsewhere since leaving that county, the individual is a resident
9 of that county.

10 *~~-4830/P1.86~~* SECTION 86. 51.40 (2) (b) 2. b. of the statutes is renumbered
11 51.40 (2) (b) 2. dg. and amended to read:

12 51.40 (2) (b) 2. dg. ~~The~~ If the individual is incapable of indicating intent as
13 determined by the county department, has no guardian, ordinarily resides in
14 another county, and is expected to return to that county within one year, the
15 individual is a resident of that county.

16 *~~-4830/P1.87~~* SECTION 87. 51.40 (2) (b) 2. c. of the statutes is renumbered
17 51.40 (2) (b) 2. eg. and amended to read:

18 51.40 (2) (b) 2. eg. ~~Another~~ If another county has accepted responsibility for or
19 provided services to the individual prior to ~~August 1, 1987~~ the effective date of this
20 subd. 2. eg. [revisor inserts date], the individual is a resident of that county.

21 *~~-4830/P1.88~~* SECTION 88. 51.40 (2) (b) 2. d. of the statutes is renumbered
22 51.40 (2) (b) 2. fg. and amended to read:

23 51.40 (2) (b) 2. fg. ~~The~~ If the individual is incapable of indicating intent; the
24 individual was living in another county outside of a nursing home or state facility on
25 ~~December 1, 1982~~ the effective date of this subd. 2. fg. [revisor inserts date], or

1 under circumstances ~~which~~ that established residence in that county after December
2 1, 1982 the effective date of this subd. 2. fg. [revisor inserts date]; and that county
3 was the last county in which the individual had residence while living outside of a
4 nursing home or state facility, the individual is a resident of that county.

5 *~~4830/P1.89~~* SECTION 89. 51.40 (2) (b) 2. g. of the statutes is created to read:

6 51.40 (2) (b) 2. g. If subd. 2. ag. to fg. does not apply, an individual who is
7 incapable of indicating intent and is residing in a facility is a resident of the county
8 in which the individual resided before admittance to the facility.

9 *~~4830/P1.90~~* SECTION 90. 51.40 (2) (f) of the statutes is repealed and
10 recreated to read:

11 51.40 (2) (f) *Guardian's authority to declare county of residence.* A guardian
12 may declare any of the following, under any of the following conditions:

13 1. The ward is a resident of the guardian's county of residence, if pars. (a) and
14 (b) do not apply, if the guardian's ward is in a facility and is incapable of indicating
15 intent, and if the guardian is a resident of the county in which the facility is located
16 or states in writing that the ward is expected to return to the guardian's county of
17 residence when the purpose of entering the facility has been accomplished or when
18 needed care and services can be obtained in the guardian's county of residence.

19 2. The ward is a resident of the county in which the ward is physically present,
20 if pars. (a) and (b) do not apply and if all of the following apply:

21 a. The ward's presence in the county is voluntary.

22 b. There is no current order under ch. 55 in effect with respect to the ward, and
23 the ward is not under an involuntary commitment order to the department of
24 corrections or to a county other than the county in which the ward is physically
25 present.

1 c. The ward is living in a place of fixed habitation.

2 d. The guardian states in writing that it is the ward's intent to remain in the
3 county for the foreseeable future.

4 3. The ward is a resident of the county specified by the guardian, regardless if
5 a previous determination of county of residence has been made, notwithstanding
6 pars. (a) and (b) for good cause shown, if, in the ward's best interest, the guardian files
7 with the probate court having jurisdiction of the guardianship and protective
8 placement a written statement declaring the ward's domiciliary intent, subject to
9 court approval, and if notice and opportunity to be heard are provided to all affected
10 counties and parties. Notice under this subdivision shall be sent to the corporation
11 counsel of each affected county by certified mail.

12 *~~4830/P1.91~~* SECTION 91. 51.40 (2) (g) 1. of the statutes is amended to read:

13 51.40 (2) (g) 1. An individual, an interested person on behalf of the individual,
14 or any county may request that the department make a determination of the county
15 of responsibility of the individual. Any motion for change of venue pending before
16 the court of jurisdiction may be stayed until the determination under this paragraph
17 is final. Within 10 days after receiving the request, the department shall provide
18 written notice to the individual; to the individual's guardian, guardian ad litem, and
19 counsel, if any; to the individual's immediate family, if they can be located; and to all
20 potentially responsible counties that a determination of county of responsibility
21 shall be made and that written information and comments may be submitted within
22 30 days after the date on which the notice is sent.

23 *~~4830/P1.92~~* SECTION 92. 51.40 (2) (g) 6. of the statutes is created to read:

24 51.40 (2) (g) 6. The county that is determined to be the county of responsibility
25 shall reimburse any other county for all care, treatment, and services provided by the

1 other county to the individual under ch. 46, 51, or 55. Full reimbursement by the
2 county that is determined to be the county of responsibility shall be made within 120
3 days after the date of the department's determination of the county of responsibility
4 or within 120 days after the date of the outcome of any appeal of the department's
5 determination that is brought under ch. 227, or by a date or under a schedule of 2 or
6 more payments that is agreed to by both counties.

7 ***-4829/P1.55* SECTION 55.** 51.42 (1) (b) of the statutes is amended to read:

8 51.42 (1) (b) *County liability.* The county board of supervisors has the primary
9 responsibility for the well-being, treatment and care of the mentally ill,
10 developmentally disabled, alcoholic and other drug dependent citizens residing
11 within its county and for ensuring that those individuals in need of such emergency
12 services found within its county receive immediate emergency services. This
13 primary responsibility is limited to the programs, services and resources that the
14 county board of supervisors is reasonably able to provide within the limits of
15 available state and federal funds and of county funds required to be appropriated to
16 match state funds. County liability for care and services purchased through or
17 provided by a county department of community programs established under this
18 section shall be based upon the client's county of residence except for emergency
19 services for which liability shall be placed with the county in which the individual
20 is found. For the purpose of establishing county liability, "emergency services"
21 includes those services provided under the authority of s. 55.05 (4), 2003 stats., or
22 s. 55.06 (11) (a), 2003 stats., or s. 51.15, 51.45 (11) (a) or (b) or (12), 55.05 (4) or 55.06
23 (11) (a) 55.13, or 55.135 for not more than 72 hours. Nothing in this paragraph
24 prevents recovery of liability under s. 46.10 or any other statute creating liability
25 upon the individual receiving a service or any other designated responsible party, or

1 prevents reimbursement by the department of health and family services for the
2 actual cost of all care and services from the appropriation under s. 20.435 (7) (da),
3 as provided in s. 51.22 (3).

NOTE: Changes cross-references to emergency protective services, the provisions
of which are renumbered in this bill.

4 ***-4829/P1.56* SECTION 56.** 51.42 (3) (ar) 4. d. of the statutes is amended to
5 read:

6 51.42 (3) (ar) 4. d. Related research and staff in-service training, including
7 periodic training on emergency detention procedures under s. 51.15, emergency
8 protective services under s. 55.13, and emergency protective placement procedures
9 under s. ~~55.06 (11)~~ 55.135, for ~~individuals~~ persons within the jurisdiction of the
10 county department of community programs who are authorized to take ~~persons~~
11 individuals into custody under ss. 51.15 and ~~55.06 (11)~~ 55.135. In developing
12 in-service training on emergency detention and emergency protective placement
13 procedures, the county department of community programs shall consult the county
14 department of developmental disabilities services under s. 51.437 in counties where
15 these departments are separate.

NOTE: Changes cross-references to emergency protective services and emergency
protective placement, the provisions of which are renumbered in this bill.

16 ***-4828/P1.89* SECTION 89.** 51.42 (3) (e) of the statutes is amended to read:

17 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
18 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (c)~~, 146.82, 252.11 (7), 253.07
19 (3) (c) and 938.78 (2) (a), any subunit of a county department of community programs
20 or tribal agency acting under this section may exchange confidential information
21 about a client, without the informed consent of the client, with any other subunit of
22 the same county department of community programs or tribal agency, with a

1 resource center, ~~a care management organization, or a family care district~~, or with
2 any person providing services to the client under a purchase of services contract with
3 the county department of community programs ~~or tribal agency~~, or with a resource
4 center, care management organization, or family care district, if necessary to enable
5 an employee or service provider to perform his or her duties, or to enable the county
6 department of community programs ~~or tribal agency~~ to coordinate the delivery of
7 services to the client. Any agency releasing information under this paragraph shall
8 document that a request was received and what information was provided.

9 ***-4829/P1.57* SECTION 57.** 51.42 (3) (e) of the statutes is amended to read:

10 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
11 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11
12 (7), 253.07 (3) (c) and 938.78 (2) (a), any subunit of a county department of community
13 programs acting under this section may exchange confidential information about a
14 client, without the informed consent of the client, with any other subunit of the same
15 county department of community programs, with a resource center, care
16 management organization or family care district, or with any person providing
17 services to the client under a purchase of services contract with the county
18 department of community programs or with a resource center, care management
19 organization or family care district, if necessary to enable an employee or service
20 provider to perform his or her duties, or to enable the county department of
21 community programs to coordinate the delivery of services to the client.

NOTE: Changes a cross-reference to access to records in protective placement and
services cases, the provisions of which are renumbered in this bill.

22 ***-4829/P1.58* SECTION 58.** 51.421 (1) of the statutes is amended to read:

1 51.421 (1) PURPOSE. In order to provide the least restrictive and most
2 appropriate care and treatment for persons with ~~chronic~~ serious and persistent
3 mental illness, community support programs should be available in all parts of the
4 state. In order to integrate community support programs with other long-term care
5 programs, community support programs shall be coordinated, to the greatest extent
6 possible, with the community options program under s. 46.27, with the protective
7 services system in a county, with the medical assistance program under subch. IV of
8 ch. 49 and with other care and treatment programs for persons with ~~chronic~~ serious
9 and persistent mental illness.

10 *~~4829/P1.59~~* SECTION 59. 51.421 (2) of the statutes is amended to read:

11 51.421 (2) SERVICES. If funds are provided, and within the limits of the
12 availability of funds provided under s. 51.423 (2), each county department under s.
13 51.42 shall establish a community support program. Each community support
14 program shall use a coordinated case management system and shall provide or
15 assure access to services for persons with ~~chronic~~ serious and persistent mental
16 illness who reside within the community. Services provided or coordinated through
17 a community support program shall include assessment, diagnosis, identification of
18 persons in need of services, case management, crisis intervention, psychiatric
19 treatment including medication supervision, counseling and psychotherapy,
20 activities of daily living, psychosocial rehabilitation which may include services
21 provided by day treatment programs, client advocacy including assistance in
22 applying for any financial support for which the client may be eligible, residential
23 services and recreational activities. Services shall be provided to an individual based
24 upon his or her treatment and psychosocial rehabilitation needs.

25 *~~4829/P1.60~~* SECTION 60. 51.421 (3) (c) of the statutes is amended to read:

1 51.421 (3) (c) Monitor the establishment and the continuing operation of
2 community support programs and ensure that community support programs comply
3 with the standards promulgated by rule. The department shall ensure that the
4 persons monitoring community support programs to determine compliance with the
5 standards are persons who are knowledgeable about treatment programs for persons
6 with chronic serious and persistent mental illness.

NOTE: SECTIONS 58 to 60 revise the term “chronic mental illness” to “serious and persistent mental illness”.

7 *~~4829/P1.61~~ **SECTION 61.** 51.437 (4) (c) of the statutes is amended to read:
8 51.437 (4) (c) County liability for care and services purchased through or
9 provided by a county department of developmental disabilities services established
10 under this section shall be based upon the client’s county of residence except for
11 emergency services for which liability shall be placed with the county in which the
12 individual is found. For the purpose of establishing county liability, “emergency
13 services” means those services provided under the authority of s. 55.05 (4), 2003
14 stats., or s. 55.06 (11) (a), 2003 stats., or s. 51.15, 55.05 (4) or 55.06 (11) (a), 55.13, or
15 55.135. Nothing in this paragraph prevents recovery of liability under s. 46.10 or any
16 other statute creating liability upon the individual receiving a service or any other
17 designated responsible party.

NOTE: Changes cross-references to emergency protective services and emergency protective placement, the provisions of which are renumbered in this bill.

18 *~~4828/P1.90~~ **SECTION 90.** 51.437 (4r) (b) of the statutes is amended to read:
19 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,
20 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a),
21 any subunit of the a county department of developmental disabilities services or
22 tribal agency acting under this section may exchange confidential information about

1 a client, without the informed consent of the client, with any other subunit of the
2 same county department of developmental disabilities services or tribal agency, with
3 a resource center, a care management organization, or a family care district, or with
4 any person providing services to the client under a purchase of services contract with
5 the county department of developmental disabilities services or tribal agency or with
6 a resource center, a care management organization, or a family care district, if
7 necessary to enable an employee or service provider to perform his or her duties, or
8 to enable the county department of developmental disabilities services or tribal
9 agency to coordinate the delivery of services to the client. Any agency releasing
10 information under this paragraph shall document that a request was received and
11 what information was provided.

12 ***-4829/P1.62* SECTION 62.** 51.437 (4r) (b) of the statutes is amended to read:
13 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,
14 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and
15 938.78 (2) (a), any subunit of the county department of developmental disabilities
16 services acting under this section may exchange confidential information about a
17 client, without the informed consent of the client, with any other subunit of the same
18 county department of developmental disabilities services, with a resource center,
19 care management organization or family care district, or with any person providing
20 services to the client under a purchase of services contract with the county
21 department of developmental disabilities services or with a resource center, care
22 management organization or family care district, if necessary to enable an employee
23 or service provider to perform his or her duties, or to enable the county department
24 of developmental disabilities services to coordinate the delivery of services to the
25 client.

NOTE: Changes a cross-reference to access to records in protective placement and services cases, the provisions of which are renumbered in this bill.

1 *-4830/P1.93* SECTION 93. 51.45 (2) (e) of the statutes is amended to read:

2 51.45 (2) (e) "Incompetent person" means a person who has been adjudged
3 incompetent by the circuit court, as defined in s. 54.01 (4).

4 *-4830/P1.94* SECTION 94. 51.45 (10) (a) of the statutes is amended to read:

5 51.45 (10) (a) An adult alcoholic may apply for voluntary treatment directly to
6 an approved public treatment facility. If the proposed patient is an individual
7 adjudicated incompetent person in this state who has not been deprived by a court
8 of the right to contract ~~under subch. I of ch. 880, the person~~ individual or ~~a legal~~ his
9 or her guardian or other legal representative may make the application. If the
10 proposed patient is an individual adjudicated incompetent person in this state who
11 has been deprived by a court of the right to contract ~~under subch. I of ch. 880, a legal,~~
12 the individual's guardian or other legal representative may make the application.

13 *-4830/P1.95* SECTION 95. 51.45 (10) (c) of the statutes is amended to read:

14 51.45 (10) (c) If a patient receiving inpatient care leaves an approved public
15 treatment facility, the patient shall be encouraged to consent to appropriate
16 outpatient or intermediate treatment. If it appears to the superintendent in charge
17 of the treatment facility that the patient is an alcoholic or intoxicated person who
18 requires help, the county department shall arrange for assistance in obtaining
19 supportive services and residential facilities. If the patient is an individual who is
20 adjudicated incompetent person, the request for discharge from an inpatient facility
21 shall be made by a legal guardian or other legal representative or by the individual
22 who is adjudicated incompetent if he or she was the original applicant.

23 *-4830/P1.96* SECTION 96. 51.45 (13) (c) of the statutes is amended to read:

1 51.45 (13) (c) Effective and timely notice of the preliminary hearing, together
2 with a copy of the petition and supporting affidavits under par. (a), shall be given to
3 the person unless he or she has been taken into custody under par. (b), the spouse
4 or legal guardian if the person is adjudicated incompetent, the person's counsel, and
5 the petitioner. The notice shall include a written statement of the person's right to
6 an attorney, the right to trial by jury, the right to be examined by a physician, and
7 the standard under which he or she may be committed under this section. If the
8 person is taken into custody under par. (b), upon arrival at the approved public
9 treatment facility, the person shall be advised both orally and in writing of the right
10 to counsel, the right to consult with counsel before a request is made to undergo
11 voluntary treatment under sub. (10), the right not to converse with examining
12 physicians, psychologists or other personnel, the fact that anything said to
13 examining physicians, psychologists or other personnel may be used as evidence
14 against him or her at subsequent hearings under this section, the right to refuse
15 medication under s. 51.61 (6), the exact time and place of the preliminary hearing
16 under par. (d), the right to trial by jury, the right to be examined by a physician and
17 of the reasons for detention, and the standards under which he or she may be
18 committed prior to all interviews with physicians, psychologists, or other personnel.
19 Such notice of rights shall be provided to the person's immediate family if they can
20 be located and may be deferred until the person's incapacitated condition, if any, has
21 subsided to the point where the person is capable of understanding the notice. Under
22 no circumstances may interviews with physicians, psychologists, or other personnel
23 be conducted until such notice is given, except that the person may be questioned to
24 determine immediate medical needs. The person may be detained at the facility to
25 which he or she was admitted or, upon notice to the attorney and the court,

1 transferred by the county department to another appropriate public or private
2 treatment facility, until discharged under this subsection. A copy of the petition and
3 all supporting affidavits shall be given to the person at the time notice of rights is
4 given under this paragraph by the superintendent, who shall provide a reasonable
5 opportunity for the patient to consult counsel.

6 ***-4830/P1.97* SECTION 97.** 51.45 (13) (e) of the statutes is amended to read:

7 51.45 (13) (e) Upon a finding of probable cause under par. (d), the court shall
8 fix a date for a full hearing to be held within 14 days. An extension of not more than
9 14 days may be granted upon motion of the person sought to be committed upon a
10 showing of cause. Effective and timely notice of the full hearing, the right to counsel,
11 the right to jury trial, and the standards under which the person may be committed
12 shall be given to the person, the immediate family other than a petitioner under par.
13 (a) or sub. (12) (b) if they can be located, the spouse or legal guardian if the person
14 is adjudicated incompetent, the superintendent in charge of the appropriate
15 approved public treatment facility if the person has been temporarily committed
16 under par. (b) or sub. (12), the person's counsel, unless waived, and to the petitioner
17 under par. (a). Counsel, or the person if counsel is waived, shall have access to all
18 reports and records, psychiatric and otherwise, which have been made prior to the
19 full hearing on commitment, and shall be given the names of all persons who may
20 testify in favor of commitment and a summary of their proposed testimony at least
21 96 hours before the full hearing, exclusive of Saturdays, Sundays and legal holidays.

22 ***-4830/P1.98* SECTION 98.** 51.61 (1) (o) of the statutes is amended to read:

23 51.61 (1) (o) Except as otherwise provided, have a right not to be filmed or
24 taped, unless the patient signs an informed and voluntary consent that specifically
25 authorizes a named individual or group to film or tape the patient for a particular

1 purpose or project during a specified time period. The patient may specify in such
2 the consent periods during which, or situations in which, the patient may not be
3 filmed or taped. If a patient is legally adjudicated incompetent, ~~such~~ the consent
4 shall be granted on behalf of the patient by the patient's guardian. A patient in
5 Goodland Hall at the Mendota Mental Health Institute, or a patient detained or
6 committed under ch. 980 and placed in a facility specified under s. 980.065, may be
7 filmed or taped for security purposes without the patient's consent, except that such
8 a patient may not be filmed in patient bedrooms or bathrooms for any purpose
9 without the patient's consent.

10 *~~4830/P1.99~~ SECTION 99. 51.61 (1) (w) 3. of the statutes is amended to read:

11 51.61 (1) (w) 3. A patient, a patient's relative who may be liable for the cost of
12 the patient's care and treatment, or a patient's guardian may request information
13 about charges for care and treatment services at the treatment facility or community
14 mental health program. If a treatment facility or community mental health program
15 receives such a request, the treatment facility or community mental health program
16 shall promptly provide to the individual making the request written information
17 about the treatment facility's or community mental health program's charges for
18 care and treatment services. Unless the request is made by the patient, the guardian
19 of a patient ~~adjudged~~ adjudicated incompetent ~~under ch. 880 in this state~~, the parent
20 or guardian of a minor who has access to the minor's treatment records under s. 51.30
21 (5) (b) 1., or a person designated by the patient's informed written consent under s.
22 51.30 (4) (a) as a person to whom information may be disclosed, information released
23 under this subdivision is limited to general information about the treatment facility's
24 or community mental health program's charges for care and treatment services and
25 may not include information which may not be disclosed under s. 51.30.